

Disclosure of used vehicles

Wisconsin Buyers Guide

Before a vehicle is offered for sale, it must be inspected for safety and mechanical defects. Standards for vehicle equipment are included in Trans 305 of the Wisconsin Administrative Code and Chapter 347 of the Wisconsin Statutes. Show the results of the inspection on the Wisconsin Buyers Guide. The guide must be attached to the window and readable from outside the vehicle. The purchaser keeps the window copy.

Display a Wisconsin Buyers Guide on all vehicles with the following exceptions:

- Trucks over 16,000 pounds
- Demonstrator or executive-driven vehicles still in service
- Vehicles that are not offered for sale and are labeled “not inspected for sale”
- Vehicles operated from purchasing dealers to selling dealers with valid dealer plates
- An unrepaired salvage vehicle
- A vehicle sold to the lessee at the end of the lease

The Wisconsin Buyers Guide includes:

- the vehicle’s prior use
- title brands (see title and registration section for definitions)
- any warranty offered or if the vehicle is offered “as-is”
- the odometer reading at the time the vehicle was acquired
- the price

Reasonable care standard

Required disclosure of vehicle history, prior use and title brands is limited to that which the dealer could find using reasonable care.

Dealerships are required to test drive the vehicle and to inspect the interior and exterior of the vehicle including under the hood and under the vehicle. They are not required to take the vehicle apart (except brakes) or run tests unless necessary to diagnose apparent symptoms. Standards for vehicle equipment are included in Chapter Trans 305 of the Wisconsin Administrative Code and Chapter 347 of the Wisconsin Statutes.

Dealerships are required to report information they get from manufacturer and auction notices, prior owner documents and disclosures, and their own vehicle inspection and repair records. Dealerships are not required to contact prior owners or get records of previous titles unless necessary to clear up inconsistent or questionable information that is apparent.

Material vehicle history

Dealerships are required to disclose any “material history” about a vehicle. Vehicle history is “material” if any of the following are true:

- The buyer asks about it.
- The dealership knows or has reason to know the information would be important to the buyer.
- The information would be important to any reasonable person.

Material history should be disclosed on the Wisconsin Buyers Guide under “other” in the “Vehicle History” section. If history information becomes material after the guide has been completed, for example, if the shopper asks if a vehicle has been in an accident, the information should be recorded on the Motor Vehicle Purchase Contract under “Other conditions of sale.” If the dealership is unsure whether history information would be material to a buyer, it is best to disclose it and avoid problems later.

Not inspected for sale sticker

Display a “not inspected for sale” sticker on any used vehicle that has not been inspected for safety or mechanical defects. Do not offer an uninspected vehicle for sale.

Previous owner

You must provide the name and address of the vehicle’s previous owner to any prospective customer upon request.

Odometer disclosure

Show the prior owner’s odometer statement, usually on the title, to all prospective customers before sale.

Pending recalls

When selling a used vehicle make for which the dealer is franchised, disclose any unperformed manufacturer recalls in writing.

Odometer repair

Odometers may be repaired or replaced if they become defective or malfunction. If a vehicle is driven between the time the odometer malfunctions and the time the odometer is repaired or replaced, the seller may disclose that the odometer reading reflects the “actual” mileage only when all three of the following guidelines can be met:

- Repair or replacement is made within 30 days of the date the malfunction occurred.
- A reasonably accurate determination can be made of the miles traveled since the malfunction occurred.

- The repaired or replaced odometer is calibrated to show the mileage reading which was on the odometer at the time it malfunctioned **plus** the number of miles the vehicle was driven between the time of the odometer's malfunction and the time of the repair or replacement.

When it is impossible to reset the reading on the repaired or replacement odometer:

- Set the mileage reading to "zero."
- Place a sticker on the left door frame of the vehicle specifying the mileage reading before the repairs and the date on which the odometer was repaired or replaced.
- The odometer statement must say "not actual" mileage.